

Patent Attorney Docket: 700603.15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

ETCHES, Robert J. et al.

Serial No.: 09/486,215

Filed: February 22, 2000

For: PROTEIN PRODUCTION IN EGGS

Group Art Unit: 1632

Examiner: Not yet assigned

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NOV 0 6 2003

TECH CENTER 1600/2900

PETITION TO ACCORD FILING DATE OF FEBRUARY 22, 2000

Commissioner for Patents and Trademarks P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

37 C.F.R. 1.495(b) requires applications to be filed with a copy of the PCT application (unless previously communicated by the International Bureau) and the basic national fee within 30 months from the earliest priority date.

37 C.F.R. 1.495(c) allows for a late filing of any translations (if applicable) and the oath or declaration, provided that the late surcharge fee is paid.

Applicant filed the application and filing fees within the 30-month time frame as evidenced by a copy of the transmittal and return postcard (Exhibit A).

Applicant repeatedly filed Status Inquiries (Exhibit B) to the U.S. Patent and Trademark Office as no Notice to File Missing Requirements was received timely.

Upon receipt of the Notice to File Missing Requirements, applicant timely submitted the Oath and latte filing surcharge (Exhibit C).

10/09/2003 AMDNDAF1 000000033 150665 0946621

OC-109035.1

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CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Octobedr 2, 2003

Date of Deposit

DOCSOC1:142341.1

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Attorney Docket: 700603.15

On January 9, 2003, applicant received the filing receipt, noting the filing date as July 8,

2002.-

Based on the foregoing, applicant respectfully submits that the application was filed with all requirements in accordance with 37 C.F.R. 1.495(b). Applicant respectfully requests that this Petition to Accord a Filing date of February 22, 2000 be granted.

The Commissioner is hereby authorized to charge Orrick's Deposit Account No. 15-0665 for the petition fee of \$130.00. The Commissioner is also authorized to charge any fees that are not covered, in whole or in part, and to credit any overpayments to said Deposit Account.

Change in Attorney Docket Number:

Please change the attorney docket number to 700603.15.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: September 25, 2003

By:

Surt T. Mulville, Reg. No. 37,194

Attorneys for Applicant

KTM/sih

4 Park Plaza, Suite 1600 Irvine, California 92614-2558 Telephone: (949) 567-6700 Facsimile: (949) 567-6710

FORM PTG-1390 U.S. DEPAI (REV 11-91)	ATHERT OF CONDICERCE PATENT AND TRADEMAR	OFFICE ATTORNEY'S DOCKET NUMBER
TRANSMITTAL LETTER	S TO THE UNITED STA	TES 251 /027
DESIGNATED/ELECT	TED OFFICE (DO/EO/US	251/037 US U.S. APPLICATION NO. (L'Immowra, see 37 CFR 1.5)
CONCERNING A FILIT	NG UNDER 35 U.S.C. 37	1 U.S. AFFERCATION NO. (II REDWIG, SEE 37 C.F.R. 1.5)
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	
PCT/CA98/00792	21 August 1998	PRIORITY DATE CLAIMED 21/08/98; 22/08/97
TITLE OF INVENTION		
PRODUCTION	N OF PROTEIN IN EGGS	· .
APPLICANT(S) FOR DO/EO/US Robert Alice 1	<u>ucticia.</u> Kliam M. Irinn	and Alan G Wildeman
Applicant nerewith submits to the United State	s Designated/Elected Office (DO/EO/US) the following items and other information:
1. X This is a FIRST submission of item	s concerning a filing under 35 U.S.C. 37	1.
2. This is a SECOND or SUBSEQUE	NT submission of items concerning a fil	ing under 35 U.S.C. 371.
3. This express request to begin nation examination until the expiration of t	al examination procedures (35 U.S.C. 3	(I(f)) at any time rather than delay 371(b) and PCT Articles 22 and 39(1).
4. X A proper Demand for International I	Preliminary Examination was made by the	371(b) and PCT Articles 22 and 39(1). 19th month from the earliest claimed priority date.
5. A copy of the International Appl	ication as filed (35 U.S.C. 371(c)(2))
a. X is transmitted herewith	(required only if not transmitted by	he International Bureau).
b. has been transmitted by	the International Bureau.	
c. is not required, as the ap	pplication was filed in the United Sta	ites Receiving Office (RO/US).
6. X A translation of the International	Application into English (35 U.S.C.	371(c)(2)).
7. Amendments to the claims of the	International Application under PC	T Article 19 (35 U.S.C. 371(c)(3))
a. are transmitted herewith	(required only if not transmitted by	the International Bureau).
b. have been transmitted b	y the International Bureau.	
c. have not been made; ho	wever, the time limit for making suc	h amendments has NOT expired.
d. have not been made and	will not be made.	·
8. A translation of the amendments	to the claims under PCT Article 19	35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inve	entor(s) (35 U.S.C. 371(c)(4))	
	e International Preliminary Examina	tion Report under PCT Article 36
Items 11. to 16. below concern documer	utle) or information to the	
		İ
	ment under 37 CFR 1.97 and 1.98.	
12. An assignment document for reco	ording. A separate cover sheet in co	npliance with 37 CFR 3.28 and 3.31 is included.
13. A FIRST preliminary amendment		
A SECOND or SUBSEQUENT p	reliminary amendment.	_
14. A substitute specification.		
15. A change of power of attorney an	d/or address letter.	
I C Orbertal Control		
16. Other items or information:		·
enclosed) is being deposite shown below with sufficien	paper (along with any ed with the United Stat t postage as 'Express N	referred to as being attached or es Postal Service on the date Mail Post Office to Addressee' Sioner for Patents, Box PCT,
Washington, DC 20231.		
Express Mail No. EL4767475 Date of Deposit: February		Mrs Fulmer
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Annex US.II, pag	ge 2 PC1 /	Applican	it's Guide – Volume II – Nat	tional Chapter -	- US		<u>.</u>
FU.S. APPLICATION NO. (a	Pro-						
0.2 270001101110110			TERNATIONAL APPLICATION NO.		ATTORNEY'S DOO		7 /
			CT/CA98/00792		251/037] ;
17. X The fol	lowing fees are sul AL FEE (37 CFR	bmitted:			CALCULATIONS	PTO USE ONLY	
Neither intern	national preliminary	(8) Levamina	(1)-(5)): tion fee (37 CFR 1.482)	•	<u> </u>		·
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and Internation	onal Search Report	not prepa	red by the EPO or JPO	\$970.00			
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NOTE: Where 1.137(a) or (b))	an appropriate ti	me limit	under 37 CFR 1.494 or 1.495 to restore the application to	has not been m	net, a petition to rev	vive (37 CFR	
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		o	to restore the application to	pending status.		nn	
SEND ALL CORRES	SPONDENCE TO: Dat	ted:	February 22, 2000	1			
KURT T. M	JLVILLE			SIGNATU	RE:	77.5	
LYON & LYC				/ /	T MITTITT		OF: -=
	Fifth St., Su	ite 4	700	NAME	T. MULVILLE		CEIVED
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949/ 567-2	2300 Telephon	ne .	•	37,	,194	0C	0 9 2003
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Form PTO-1390 (REV 11-98) page 2 of 2

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Please acl nowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office

Applicant:

Robert J. Etches, et al.

Serial No .:

09/486,215

Filed:

February 22, 2000

For:

PROTEIN PRODUCTION IN EGGS

Attorney/Sect:

KTM/lf 251/037

Docket No.:

Date of Deposit: April 30, 2002

Enclosures: 1. Status Inquiry; and 2. Return Postcard

FIRST CLASS MAIL



1020 Rec'd PCT/PTO 0 9 MAY 2002

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OFFICE OF PETITIONS

Attorney Docket: 251/037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

ETCHES, Robert J. et al.

Serial No.: 09/486,215

Filed: February 22, 2000

For: PROTEIN PRODUCTION IN EGGS

Group Art Unit: Not Yet Assigned

Examiner: Not yet assigned

STATUS INQUIRY

Commissioner for Patents Washington, D.C. 20231

Sir:

No office action or other communication on the above application has been received from the Patent Office since Applicants filed an Information Disclosure Statement on June 13, 2000, more than sixteen months ago. Applicant respectfully requests to be informed of the status of the application. Please direct your response to the undersigned.

Respectfully submitted, LYON & LYON LLP

Dated:	A neil	20	2002	
Daten	ADDI	3()	7007	

By:

urt T. Mulville, Reg. No. 37,194

Attorneys for Applicant

KTM/If 633 West Fifth Street, Suite 4700 Los Angeles, California 90071-2066 (949) 567-2300 X 1124 Telephone (213) 955/0440 Facsimile

OC-109035.1

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

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April 30, 2002

Date of Deposit

Lymne Fulmer

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TECH CENTER 1600/2900

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office

Applicant:

Robert J. Etches, et al.

Serial No.:

09/486,215

Filed:

February 22, 2000

For:

PROTEIN PRODUCTION IN EGGS

Attorney/Sect:

KTM/lf 251/037

Docket No.:

Date of Deposit: October 16, 2001

Enclosures: 1. Status Inquiry, and 2. Return Postcard

FIRST CLASS MAIL

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OCT 0 9 2003

OFFICE OF PETITIONS

Attorney Docket: 251/037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

ETCHES, Robert J. et al.

Serial No.: 09/486,215

Filed: February 22, 2000

For: PROTEIN PRODUCTION IN EGGS

Group Art Unit: Not Yet Assigned

Examiner: Not yet assigned

STATUS INQUIRY

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Sir:

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Respectfully submitted,

LYON & LYON LLP

Dated: October 16, 2001

By:

Kurt T. Mulville, Reg. No. 37,194

Attorneys for Applicant

KTM/lf 633 West Fifth Street, Suite 4700 Los Angeles, California 90071–2066 (949) 567–2300 X 1124 Telephone (213) 955/0440 Facsimile

OC-94599.1

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service of the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 16, 2001

October 16, 2001

Date of Deposit

Lynne Fulmer

OFFICE OF PETITIONS

Attorney Docket: 251/037

		IN THE UNITED-STATES-PATE	NT AND TRADEMARK OFFICE
			WAND TRADEMARK OFFICE
Ir	re the	Application of:) Group Art Unit: Not Yet Assigned
I	aventor	: Robert J. Etches et al.) Examiner: Not Yet Assigned
		p.: 09/486,215 PCT/CA98/00792)))
		ebruary 22, 2000 ng Date 8/21/1998))))
	or: PR GGS	ODUCTION OF PROTEINS IN	,)))
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Com Unit	ed State	ner for Patents es Patent and Trademark Ofice , D.C. 20231	
Sir:		·	
I.	DOC	CUMENTS ENCLOSED:	
	UNI		MENTS UNDER 35 U.S.C. 371 IN THE TED OFFICE (DO/EO/US), which was mailed ed are:
	\boxtimes	Declaration	
		Power of Attorney: Separate or	Combined with Declaration
		Assignment of the invention to	(together with PTO Form 1595)
	\boxtimes	A copy of the NOTICE OF REQUIRED STATES DESIGNATED	REMENTS UNDER 35 U.S.C. 371 IN THE ELECTED OFFICE (DO/EO/US)
	\boxtimes	OTHER: Return postcard	
OC-113	401.1	CERTIFICATE OF MAII	LING (37 C.F.R. § 1.10)
			enclosed) is being deposited with the United States Postal Service on the ressee' in an envelope addressed to the Assistant Commission The RECENTED
		Ю.: EV 051628789 US Т: ЛЛ Y 8, 2002	June Fulmer OCT 0 9 2003

Patent 251/037

The paper	oroceedir '.	ngs herein are for	a patent application	and the provi	sions of 37 CFR	§ 1.136
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		one month	\$55.00		\$110.00	
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Attorney Docket: 251/037

 \boxtimes The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. 12-2475 for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. 12-2475.

Respectfully submitted,

LYON & LYON LLP

Dated: July 7, 2002

By:

T. Mulville, Reg. No. 37,194

PATENT TRADEMARK OFFICE

LYON & LYON LLP **Suite 4700** 633 W. Fifth Street Los Angeles, CA 90071 949/567-2300 X 1124 Telephone 213/955-0440 Facsimile



United States Patent and Trademark Office

Commissioner for Patents, Box PCT United States Patent and Trademerk Office Washington, D.C. 20231

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY. DOCKET NO.

09/486,215 ROBERT J ETCHES 251/037 US

INTERNATIONAL APPLICATION NO. PCT/CA98/00792

KURT T MULVILLE LYON & LYON 633 WEST FIFTH ST SUITE 4700 LOS ANGELES, CA 90071-2066

1.A. FILING DATE PRIORITY DATE

08/21/1998

Date Mailed: 05/07/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements

Missing 117102

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR·1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

-The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

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OCT 0 9 2003

OFFICE OF PETITIONS

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MAY 1 3 2002

U.S. PROSECUTION

Total additional fees required for this application is \$130 for a Large Entity:

• \$130 Late oath or declaration Surcharge.

Applicant-is-reminded-that-any-communications-to-the-United-States-Patent-and-Trademark-Office-must-be-mailed-to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

ANITA D JOHNSON

Telephone: (703) 305-3661

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY, DOCKET NO.
09/486.215	PCT/CA98/00792	251/037 US

FORM PCT/DO/EO/905 (371 Formalities Notice)

DECLARATION Utility Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled <u>PRODUCTION OF PROTEINS IN EGGS</u> the specification of which

(Check One)	is attached hereto.
\boxtimes	was filed on February 22, 2000 as United States Application Serial No. 09/486,215
	and was amended on (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(1). I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Application Number	Country	Date of Filing	Priorit	y Claimed
			Yes	No
PCT/CA98/00792	PCT	8/21/1998	X	
		·		

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Date of Filing	Status-Patented, Pending or Abandoned
		RECEIVED

OCT 0 9 2003

Sen	d Correspondence	LYON & LYON LLF)	Direct Tele	ephone calls to	:
to:		633 W Fifth St., Suite			-2300 X 1124	
		Los Angeles, CA 900				
	FULL NAME OF	FIRST Name	MIDDLE I	nitial	LAST Name	}
-	INVENTOR	Robert	J.		Etches	
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	FULL NAME OF	FIRST Name	MIDDLE I	nitial	LAST Name	
	INVENTOR	Sherie			Morrison	
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	INVENTOR	Letitia	A.	uuai	Wims	
			State or Fore	eign		
204	RESIDENCE &	City	Country	2.6.1	Country of Ci	itizenship
	CITIZENSHIP	Culver City	CA		USA	
	POST OFFICE	Post Office Address			State or	Zip
	ADDRESS	6000 Canterbury	City Culver City		Country	Code
		Drive, Unit D314	Curver City		CA	90230

ſ		FULL NAME OF	FIRST Name	MIDDLE Initial	LAST Name	
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor	201	Signature of Inventor	202
- June 17/02			
Date		Date	
Signature of Inventor	203	Signature of Inventor	204
Date		Date	
Signature of Inventor	205	Signature of Inventor	206
Date		Date	

OC-111641.1

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Signature of Inventor	201	Signature of Inventor	202
		What I	
Date		Date June 10th 2002	
Signature of Inventor	203	Signature of Inventor	204
Date		Date	
Signature of Inventor	205	Signature of Inventor	206
Date		Date	

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	FULL NAME OF INVENTOR	FIRST Name Alan	MIDDLE Initial G.	LAST Name Wildeman	
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Signature of Inventor -	201	Signature of Inventor 202
Date		Date .
Signature of Inventor Thui K. Mowin Date fune 6, 2002	203	Signature of Inventor 204 Signature of Inventor 204 Date June 6 2002
Signature of Inventor Than A. Timb	205	Signature of Inventor 206
Date 6/6/2002		Date

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Date		Date	
Signature of Inventor	203	Signature of Inventor	204
Date		Date	
Signature of Inventor	205		206
	203	Signature of Inventor Llan G. Wilher	206
Date		Date June 7/2002	